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OFFICE OF PETITIONS

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In re Application of	:	
Thomas J. Nosella et al.	:	
Application No. 09/883,674	:	DECISION ON PETITION
Filed: June 18, 2001	:	UNDER 37 C.F.R. §1.181
Attorney Docket No.: CISCP185	:	
Title: GATEWAY LOAD BALANCING	:	
PROTOCOL	:	

This is a decision on the petition filed October 16, 2006, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 13, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 14, 2006. A notice of abandonment was mailed on August 23, 2006.

With the present petition, Petitioner's representative has asserted that a response was submitted on June 12, 2006, and has submitted a postcard receipt which contains a date stamp from the Office of Initial Patent Examination dated June 15, 2006. Petitioner's representative has also submitted a copy of this submission, and it is noted that it contains a certificate of mailing dated June 12, 2006.

Moreover, the electronic file has been reviewed, and a copy of this response has been located in the same.

Petitioner's representative has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely submitted on June 12, 2006. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner's representative has met his burden of establishing that a submission was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment, which was received on June 15, 2006, can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

¹ Petitioner's representative will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner's representative is reminded that no telephone discussion may be controlling or considered authority for Petitioner's representative's further action(s).